

Attorney Docket No.: 197-007-USP  
 USTPO Central Facsimile No. (571) 273-8300

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 14 2006

In re Application of:

Applicant	: Mikhail Ivanovich Trifonov, et al.	Confirmation No:	4160
Appn. No.	: 09/900,479	Group Art Unit	2624
Filing Date	: July 6, 2001	Examiner:	TUCKER, Wesley
Title:	: ASSISTED SCRATCH REMOVAL		

**STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF AN APPLICATION FOR  
 PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

MAIL STOP PETITION  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the U.S. Patent and Trademark Office (USPTO) to issue revive the above-captioned patent application, which has been unintentionally abandoned due to untimely payment of the requisite publication and issue fees.

Attorneys for Applicant received a Notice of Allowance and Issue Fee Due for the referenced patent application dated June 20, 2006. On September 18, 2006, Applicant fax-filed Comments on Statement of Reasons for Allowance and submitted a Part B (Fee Transmittal) authorizing the payment of the publication and issue fees by charging the required fees to deposit account no. 50-3199.

Applicant received a Notice of Abandonment for the subject patent application dated October 24, 2006 from the USPTO. After contacting Examiner Tucker and the Office of Publications, Applicant was advised that failure to timely pay the required issue and publication fees was due to insufficient funds in deposit account no. 50-3199 at the time of payment.

Applicant believes the referenced patent application was unintentionally abandoned due to insufficient funds in deposit account no. 50,3199 at the time of payment of the issue and publication fees and, therefore, petitions the Commissioner to revive this application and allow for issuance of a Letters Patent.

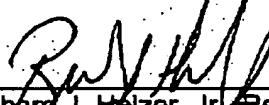
Attorney Docket No. 267-002-USP  
USTPO Central Facsimile No. (571) 273-8300

Pursuant to 37 CFR § 1.137(b), and as shown on the attached fee transmittal (with duplicate for fee processing) please charge Deposit Account No. 50-3199 in the amount of \$3,200: \$1,500 for the petition fee set forth in § 1.17(m) and \$1,700 for the publication and issue fees. Applicant believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefore and authorization to charge Deposit Account No. 50-3199 accordingly.

If the Examiner should require any additional information, please contact the undersigned attorney.

Dated: 11-18-06

Respectfully submitted,

  
Richard J. Holzer, Jr. Registration No. 42,642  
Attorney for Applicant  
USPTO Customer No. 45346

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PTO/SB/64 (08-08)

Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number: (Optional)  
197-007-USP

First named inventor: Mikhail Ivanovich Trifonov, et al.

Application No.: 09/900,479

Art Unit: 2624

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Filed: July 6, 2001

Examiner: TUCKER, Wesley NOV 14 2006

Title: ASSISTED SCRATCH REMOVAL

Attention: Office of Petitions  
**Mail Stop Petition**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
 Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Issue Fee Transmittal (Identify type of reply):

has been filed previously on September 18, 2006  
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,700 11/15/2006 HGUTEMA1 00000062 503199 09900-79  
 has been paid previously on 01 FC:1453 1500.00 DA  
 is enclosed herewith: (See attached Fee Transmittal)

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/84 (09-05)

Approved for use through 03/31/2007. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

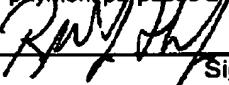
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature

11-14-06

Date

Richard J. Holzer, Jr.

42,642

Typed or printed name

Registration Number, if applicable

Hensley Kim &amp; Edgington, LLC - Customer No. 45346

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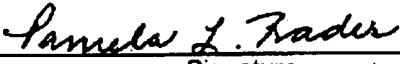
Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

 Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.November 14, 2006

Date

  
Signature

Pamela L. Rader

Typed or printed name of person signing certificate